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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,060	03/29/2001	John Zimmerman	US010076	5337

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P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

FISH, JAMIESON W

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/821,060

Applicant(s)

ZIMMERMAN, JOHN

Examiner

Jamieson W. Fish

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claim 12-22-2005 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

Claim 8 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 7 already comprises a multiplicity of axes.

Claim Rejections - 35 USC § 103

Claims 1-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Schlack et al. (US 2002/0129368) in view of Bose et al. (US 6,271,863).

Regarding claims 1 and 2, Schlack teaches a television viewer profile represented by weighted viewer preferences that change proportionally with respect to time (See Fig. 21A and Paragraph 0185). Figure 21A of Schlack is an equivalent tabular representation of the graphical data representation in Figure 2 of the claimed invention, that is for each time value weighted viewer preferences can be determined. Schlack differs from the claimed invention in that the weight of the viewer preferences is represented by a numeric value in cells corresponding to time periods and not by bar graphs that change length when a slider is moved to a position representing a time period. However, Bose et al (US 6,271,863) teaches a data profile represented by

variables that proportionally change with respect to at least one of a multiplicity of axes, where in at least one of the multiplicity of axes has an altering mechanism allowing a position on that axis to be changed and the variables have an activation mechanism that allows for viewer selection and manipulation of the variables. (See Fig. 1, Col. 2 lines 22-Col. 4 line 33). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to present the data in Schlack with the graphical user interface taught by Bose, thus meeting the limitations of the claimed invention, to provide an improved user interface for graphically exploring data (See Bose Col. 1 lines 52-55).

Regarding claims **3** and **4**, Schlack modified with Bose teaches wherein weighted viewer preferences are represented by bar graphs (See discussion of claims 1 and 2 and Fig. 1 of Bose).

Regarding claim **5**, Schlack modified with Bose teaches wherein each of said weighted viewer preferences is individually viewer modifiable (See discussion of claims 1 and 2 and Bose Col. 2 lines 22-42, Magnitude of variable may be changed).

Regarding claim **6**, Schlack modified with Bose teaches means for viewer interaction to alter a topic selection presented by the television viewer profile weighted viewer preferences (See discussions of claims 1 and 2 and Bose Col. 2 lines 22-42 User can alter any of the bars).

Regarding claims **7-10**, Schlack modified with Bose teaches an interactive, television program profile interface, including television viewer profile represented by weighted viewer preferences in graphical form including a plurality of bar graphs,

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wherein the bar graphs change with respect to at least one of a multiplicity of axes, and wherein the at least one of the multiplicity of axes have an altering mechanism allowing a position on that axis to be changed, said bar graphs being coupled to an access mechanism that allows for viewer selection and altering of weighted viewer preferences; wherein one of said multiplicity of axes comprise a time axis (See discussion of claims 1 and 2).

Regarding claim **11**, Schlack modified with Bose teaches a method of using a television profile interface, including the steps of: a) providing a television viewer profile that presents a list of weighted view preferences that change proportionally with time; and (b) modifying said television viewer profile via an access mechanism that allows viewer traversing of a time axis (See discussion of claims 1 and 2).

Regarding claim **12**, Schlack modified with Bose teaches a method of using a television profile interface, including the steps of: a) providing a television viewer profile that presents a list of weighted view preferences that change proportionally with time; and (b) modifying said television viewer profile by viewer interaction via an access mechanism that allows viewer selection and alteration of the television viewer profile (See discussion of claims 1 and 2).

Regarding claims **13** and **16** Schlack modified with Bose teaches wherein the step of modifying further comprises the access mechanism providing a selection device that allows selection from one of a plurality of weighted viewer preferences within the television viewer profile (See discussions of claims 1 and 2 and Bose Col. 2 lines 22-42).

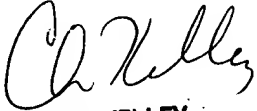
Regarding claims **14** and **17** Schlack modified with Bose teaches wherein the step of modifying further comprises the access mechanism providing an altering device that allows altering of a selected one of a plurality of weighted viewer preferences within the television viewer profile (See discussions of claims 1 and 2 and Bose Col. 2 lines 22-42).

Regarding claims **15** and **18-20**, Schlack modified with Bose teaches wherein the step of modifying further comprises moving the selected one of the plurality of weighted viewer preferences within the television viewer profile along an axis (See discussion of claim 1 See Bose Col. 2 lines 22-42 Length of bars can be adjusted).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamieson W. Fish whose telephone number is 571-272-7307. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600